

REMARKS

Applicants thank the Examiner for examining the application. Applicants have amended claims 1, 9, 13, 14, 25, 38, and 39 to correct various objected to informalities, as described further below. Applicants have also amended claims 18 and 34, and 15 and 40, as described further below. With the amendment, claims 1-49 are now pending.

Double Patenting

The Examiner provisionally rejected claims 23-24 on the ground of non-statutory obviousness-type double patenting, as being unpatentable over claims 1-2 of co-pending U.S. Patent Application Serial No. 10/675,586.

Applicants file with this response a terminal disclaimer, which overcomes the double patenting rejection.

Claim Objections

The Examiner objected to claims 1, 9, 13, 14, 25, 38, and 39 because of informalities. More particularly, claims 1, 13, 14, 38, and 39 lacked proper antecedent basis for certain terms, and claims 9 and 25 were not grammatically correct, according to the Examiner.

Applicants have amended claims 1, 13, 14, 38, and 39 to correct the antecedent basis issues. Applicants have also amended claims 9 and 25 to correct the grammar issues. Thus, the rejection is traversed.

Claim Rejections – 35 U.S.C. § 112 ¶1

The Examiner rejected claims 18 and 34 under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement.

Specifically, claim 18 recited the phrase “zoning, pending, locked information”, but this phrase or an equivalent was not found by the Examiner in the specification. Similarly, 34 recited the phrase “zoned, pending, locked”, but again, no support for this

phrase was found in the specification. Applicants have amended claims 18 and 34 to remove these respective phrases, and thus the rejection is traversed.

Claim Rejections – 35 U.S.C. § 112 ¶2

The Examiner rejected claims 15, 18, 34, and 40 under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With regards to claims 18 and 34, the amendments to claims 18 and 34 made in regard to the § 112 ¶1 rejection removes the offending phrases from those claims under this rejection as well. Thus, the rejection as applied to claims 18 and 34 is now moot.

With regards to claims 15 and 40, the Examiner rejected the use of the phrase “potentially” as modifying the phrase “accessible”, stating that accessible alone supposes the potential of being accessed. Applicants have thus amended claims 15 and 40 to remove the phrase “potentially”, and thus the rejection as applied to claims 15 and 40 is traversed.

Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 1-5, 19, 23, 26-30, 44, and 48-49 under 35 U.S.C. § 101 because the invention is directed non-statutory subject matter.

Specifically, with regards to claims 1-5, 19, and 23, the Examiner asserts that a tangible result is not present, thus making the claims nonfunctional descriptive material. With all due respect, the Examiner fails to support this conclusory statement in any way. Indeed, the Examiner states that “a tangible result is required”, but the Examiner does not identify what tangible result is missing, and the Examiner fails to explain or argue why any of the cited claims do not produce a tangible result. The Examiner does note that “providing a user the ability to display does not presuppose the step of displaying”, but offers no further explanation as to why this is not a tangible result. Additionally, this note refers only to claims 2 and 27, and the claims that depend from them, and does not address other claims, most importantly any of the independent claims.

Further, the Examiner states that “[m]erely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory”, regarding claims 48, 26-40, 44, and 49. Yet the Examiner again fails to state why there is not a tangible result present in these claims.

Indeed, when Applicants read the claims, they see at least two tangible results produced by independent claims 1, 26, 48, and 49 (and thus all of their dependent claims): an identification of storage devices of the at least one storage system resource corresponding to the at least one storage parameter, and an identification of access control rights of the at least one host resource with respect to the storage devices. Without further explanation by the Examiner, beyond the Examiner’s merely conclusive statement, Applicants fail to see how any of these claims are properly rejected under § 101. Thus, with no further information to evaluate the Examiner’s rejection, Applicants believe the § 101 rejection to be moot.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6, 8-11, 15-16, 18-24, 26-31, 33-36, 40-41, and 43-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0149769 to Axberg et al.

Applicants’ independent claim 1 requires, among other things, receiving a selection of at least one storage parameter associated with the storage area network, the selection of the at least one storage parameter including selection of a vendor type associated with a storage system resource; and correlating the selection of the at least one host resource with the selection of the at least one storage parameter to identify: i) storage devices of the at least one storage system resource corresponding to the at least one storage parameter, and ii) access control rights of the at least one host resource with respect to the storage devices. The Examiner cites to ¶¶ 0353 and 0357-8, as well as Figs. 21 and 22 of Axberg et al. as teaching or suggesting these limitations.

However, Axberg et al. does not teach or suggest receiving a selection of at least one storage parameter associated with the storage area network, the selection of the at

least one storage parameter including selection of a vendor type associated with a storage system resource; and correlating the selection of the at least one host resource with the selection of the at least one storage parameter to identify: i) storage devices of the at least one storage system resource corresponding to the at least one storage parameter, and ii) access control rights of the at least one host resource with respect to the storage devices, as required by Applicants' independent claim 1.

Regarding the receiving limitation, the Examiner argues that Axberg et al. does teach receiving a selection of at least one storage parameter associated with the storage area network, in ¶¶0357-0358 of Axberg et al. The Examiner then goes on to argue that, while Axberg et al. does not specifically teach the selection includes selection of a vendor type associated with a storage system resource, Axberg et al. does teach filtering based on vendor type in a combination of ¶¶0353 and 0357. "Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a vendor type in the teaching of Axberg in order to identify the storage devices corresponding to a particular vendor." The Examiner offers no further reasoning for why this would have been obvious.

Applicants respectfully submit that this statement on the Examiner's part is a conclusory argument, offering no support or reasoning as to why this would have been obvious, only stating that it would be so. Taking into account the Supreme Court's recent decision in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. __ (2007), offering no support for a determination of obviousness provides Applicants with no way to evaluate the Examiner's argument and thus unable to present any kind of rebuttal if possible, and thus prevents the discussion the Supreme Court felt was necessary to properly evaluate an obviousness argument. Indeed, Applicants respectfully submit that offering no reasoning behind a conclusion of obviousness contradicts that Patent and Trademark Office's own internal procedures; "[I]n formulating a rejection under 35 U.S.C. 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.", USPTO Memorandum from Deputy Commissioner Margaret A. Focarino, dated May 3, 2007, available online at least at

http://www.patentlyo.com/patent/2007/05/uspto_issues_pr.html. For this reason alone, the Examiner's rejection is improper, and Applicant's independent claim 1 is allowable over Axberg et al.

Regarding the correlating limitation, the Examiner cites to ¶¶0353 and 0357-8, as well as Fig. 21, of Axberg et al. as teaching or suggesting correlating the selection of the at least one host resource with the selection of the at least one storage parameter to identify access control rights of the at least one host resource with respect to the storage devices. However, these paragraphs fail to teach or suggest that access control rights of the at least one host resource with respect to the storage devices are identified in any way due to correlating the selection of the at least one host resource with the selection of the at least one storage parameter. Indeed, none of these paragraphs teach or suggest identifying access control rights at all. Rather, what is identified is the logical unit numbers (LUNs) (each one identifying a particular storage device) that are accessible by a particular host, along with certain parameters of each logical unit number. Thus, all Axberg et al. teaches is that these LUNs are accessible by a host. That these LUNs are accessible by a particular host does not indicate to what degree access is available, or what control(s) the host has over a LUN, or if there are any other further limits on access; in other words, none of the information that typically defines access control rights.

Thus, for any of the reasons given above, Applicants' independent claim 1 is not taught or suggested by Axberg et al. Therefore, Applicants' independent claim 1 is not obvious in light of Axberg et al., and Applicants' independent claim 1 is allowable over Axberg et al.

Applicants' independent claims 23, 26, 48, and 49 all include limitations similar to those of Applicants' allowable independent claim 1. Therefore, for at least the reason(s) given above with regards to Applicants' allowable independent claim 1, Applicants' independent claims 23, 26, 48, and 49 are themselves not obvious in light of Axberg et al., and thus, Applicants' independent claims 23, 26, 48, and 49 are allowable over Axberg et al.

Applicants' dependent claims 2-6, 8-11, 15-16, 18-22, 24, 27-31, 33-36, 40-41, and 43-47 depend from, respectively, Applicants' allowable independent claims 1, 23, and 26. Therefore, for at least the reason(s) given above with regards to Applicants' allowable independent claims 1, 23, and 26, Applicants' dependent claims 2-6, 8-11, 15-16, 18-22, 24, 27-31, 33-36, 40-41, and 43-47 are themselves not obvious in light of Axberg et al., and thus, Applicants' dependent claims 2-6, 8-11, 15-16, 18-22, 24, 27-31, 33-36, 40-41, and 43-47 are allowable over Axberg et al.

The Examiner then rejected claims 7 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Axberg et al. in view of U.S. Patent No. 5,999,179 to Kekic et al.

Applicants' dependent claims 7 and 32 depend from, respectively, Applicants' allowable independent claims 1 and 26. Therefore, for at least the reason(s) given above with regards to Applicants' allowable independent claims 1 and 26, Applicants' dependent claims 7 and 32 are themselves not obvious in light of Axberg et al. in view of Kekic et al., and thus, Applicants' dependent claims 7 and 32 are allowable over the combination of Axberg et al. with Kekic et al.

The Examiner next rejected claims 12 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Axberg et al. in view of Person ("Using the AutoFilter", Special Edition Using Microsoft Excel 97, Que, December 17, 1996, pgs. 1-17) (hereinafter "Person").

Applicants' dependent claims 12 and 37 depend from, respectively, Applicants' allowable independent claims 1 and 26. Therefore, for at least the reason(s) given above with regards to Applicants' allowable independent claims 1 and 26, Applicants' dependent claims 12 and 37 are themselves not obvious in light of Axberg et al. in view of Person, and thus, Applicants' dependent claims 12 and 37 are allowable over the combination of Axberg et al. with Person.

The Examiner then rejected claims 13-14, 25, and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Axberg et al. in view of U.S. Patent No. 6,009,466 A to Axberg et al. (hereinafter “Axberg et al. 2”).

Applicants’ dependent claims 13-14, 25, and 38-39 depend from, respectively, Applicants’ allowable independent claims 1, 23, and 26. Therefore, for at least the reason(s) given above with regards to Applicants’ allowable independent claims 1, 23, and 26, Applicants’ dependent claims 13-14, 25, and 38-39 are themselves not obvious in light of Axberg et al. in view of Axberg et al. 2, and thus, Applicants’ dependent claims 13-14, 25, and 38-39 are allowable over the combination of Axberg et al. with Axberg et al. 2.

The Examiner then rejected claims 17 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Axberg et al. in view of U.S. Patent No. 5,060,135 to Levine et al.

Applicants’ dependent claims 17 and 42 depend from, respectively, Applicants’ allowable independent claims 1 and 26. Therefore, for at least the reason(s) given above with regards to Applicants’ allowable independent claims 1 and 26, Applicants’ dependent claims 17 and 42 are themselves not obvious in light of Axberg et al. in view of Levine et al., and thus, Applicants’ dependent claims 17 and 42 are allowable over the combination of Axberg et al. with Levine et al.

CONCLUSION

Applicants believe this Amendment and Response to be fully responsive to the present Office Action. Thus, based on the foregoing Remarks, Applicants respectfully submit that this application is in condition for allowance. Accordingly, Applicants request allowance of the application.

Applicants hereby petition for any extension of time required to maintain the pendency of this case. If there is any fee occasioned by this response that is not paid, please charge any deficiency to Deposit Account No. 50-3735.

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Should the enclosed papers or fees be considered incomplete, Applicants respectfully request that the Patent Office contact the undersigned collect at the telephone number provided below.

Applicants invite the Examiner to contact the Applicants' undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,

/SPM/

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